

THE LOUISIANA KATRINA RECOVERY ADMINISTRATOR ACT OF 2005

PURPOSE OF LEGISLATION

To establish a strong federal leader appointed by the President focused exclusively on the efficient and effective use of federal resources for recovery in Southeast Louisiana following Hurricane Katrina.

THE OFFICE/ADMINISTRATOR

- The Act would establish the Office of the Louisiana Katrina Recovery Administrator (the “Office”).
- The Louisiana Katrina Recovery Administrator (the “Administrator”) would be the head of the Office, appointed by the President for two years with up to six, six-month extensions possible thereafter.
- This individual would direct and coordinate medium/long-term federal recovery efforts in Southeast Louisiana.

ADMINISTRATOR’S AUTHORITY

- Much of the Administrator’s authority would be roughly equivalent to that of Admiral Thad Allen (appointed by the President, pursuant to the National Response Plan, to serve as “Principal Federal Officer” for short-term relief efforts). The Administrator would be focused on medium/long-term recovery efforts versus short-term relief efforts, however.
- In addition to this authority, the Administrator would be vested with all authority the Administration usually has under present law to waive certain normal requirements and processes to ensure streamlined federal action and avoid unnecessary bureaucracy or red tape that might otherwise hinder reconstruction efforts.
- The Administrator’s authority would not supersede traditional state and local authority but would control federal spending and activity, which will be dominant factors.

ADVISORY COMMITTEE

A seven-person Advisory Committee would serve coterminous with the Administrator. These seven persons would be private citizens of Louisiana, not elected officials, appointed as follows:

1. Two persons appointed by the President.
2. Two persons appointed by the Governor of Louisiana.
3. One person appointed by the Mayor of New Orleans.
4. Two persons appointed by a majority vote of the Parish Presidents of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes.

THREE AREAS OF FOCUS OF THE ADMINISTRATOR

1. Streamline the federal response as per the last two bullets above.
2. Serve as a fully effective partner with state and local leaders to promote a coherent vision with short-, medium-, and long-term planning, which is not happening adequately now. The Administrator would not supersede state and local authority.
3. Lead efforts to ensure accountability and transparency.

ADMINISTRATIVE AND SUPPORT SERVICES

The President shall provide administrative and support services, including office space and personnel, for the Office and the Administrator. This could include the detailing of federal employees from other departments and agencies.

QUALIFICATIONS OF THE ADMINISTRATOR

The only legal qualifications for the Administrator in the Act would be that he/she be an American citizen 30 years of age or older. However, the Administrator should have:

- Significant public stature and respect.
- Extensive business/management experience.
- No significant political ties to Louisiana which could lead to real or perceived political conflicts of interest.
- No significant financial ties to lobbying firms or other firms which could lead to real or perceived financial conflicts of interest.

SUNSET PROVISIONS

- The Office would sunset two years after the date of enactment of this Act if the President takes no action to extend the Office further.
- The President could extend the Office in six month increments up to six times (three additional years total). Congress could disapprove any such extensions through a privileged disapproval resolution.
- The President would notify Congress of any extension 60 days prior to any date on which the Office would otherwise sunset.

THE HURRICANE KATRINA AND HURRICANE RITA FAIRNESS IN CONTRACTING ACT OF 2005

PURPOSE OF LEGISLATION

To require full and open competition for contracts awarded for activities related to relief and recovery from Hurricanes Katrina and Rita, except in a few limited circumstances that would require notice to Congress of any non-competitive contracts. This legislation is modeled after the 2004 Iraq Supplemental (Public Law 108-106).

WHY FAIRNESS IN CONTRACTING IS NEEDED

- It is in the best interests of the parties involved, including the businesses and the people of the Gulf Coast States, to use open and full competition for all but a very limited number of contracts awarded for activities related to relief and recovery from Hurricanes Katrina and Rita.
- The businesses located in the areas devastated by Hurricanes Katrina and Rita need reasonable access to and participation in these contracts for full economic recovery. Full and open competition will give these businesses the opportunity to compete for much needed government contracts.

LIMITED EXCEPTIONS

The legislation states that no funds appropriated for activities related to relief and recovery from Hurricanes Katrina and Rita shall be used for entering into any Federal contract using other than full and open competition, unless the following limited exceptions apply:

1. Only one responsible source exists, and no other supplies or services will satisfy agency requirements;
 2. A situation involving unusual and compelling urgency;
 3. A non-competitive bidding process is authorized or required by statute; or
 4. A non-competitive bidding process is required due to national security concerns.
- Any exceptions shall be made only with the written approval of the President or his designee and the head of the executive agency awarding and managing such contract.
 - If other than full and open competition is used, the President or his designee and the head of the executive agency shall submit, not later than 7 calendar days before the award of the contract, a notification to the House and Senate Committees with appropriate jurisdiction. The executive agency must also give public notice of the contract to the public by publishing, not later than 7 days before entering into the contract, notice of the contract in either the Federal Register or Federal Business Opportunities. In cases of “unusual and compelling urgency,” notice must be given to the appropriate House and Senate Committees and to the public within 7 days after the contract is entered into.

- This legislation will not apply to contracts of less than \$5,000,000 or contracts authorized by the Small Business Act.
- If anything other than full and open competition is used under the “unusual and compelling urgency” exception, the initial contract shall be limited to 6 months, and full and open competition must be used thereafter.

